

JUDGE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT TACOMA

9	OLOTH INSYXIENGMAI,)	NO. C00-5500RJB
)	
10	Petitioner,)	
)	SCHEDULING ORDER
11	vs.)	
)	
12	RICHARD MORGAN,)	
)	
13	Respondent.)	
	_____)	

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Petitioner filed an amended petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, which challenged his 1995 conviction in Pierce County Superior Court. The amended petition raised six claims for relief. On September 25, 2002, this Court adopted the Magistrate Judge's report and recommendation which recommended dismissal of claims one, two and six as procedurally barred and dismissal of the remaining claims on the merits.

Petitioner appealed the dismissal of his petition to the Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals remanded this matter to have the three claims dismissed as procedurally barred resolved on the merits. The Ninth Circuit also remanded this matter for an evidentiary hearing on the question of prejudice with respect to claim four.

1 // Counsel for the parties have conferred and proposed dates for briefing the merits
2 of claims one, two and six, as well as dates for completing discovery and submitting trial
3 briefs and pretrial motions. The parties estimate that the evidentiary hearing will last, at
4 most, two days.

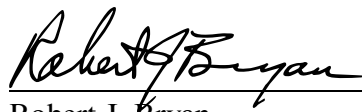
5 THE COURT having considered the stipulation of the parties, the records and
6 files herein, therefore ORDERS Petitioner to file a Memorandum regarding Claims One,
7 Two, and Six by September 16, 2005. Respondent will file a Response to those claims
8 by November 18, 2005. Any Reply must be filed by December 2, 2005.

9 The Court further ORDERS that pursuant to Rule 6, 28 U.S.C. foll. 2254, the
10 parties may engage in discovery relevant to claim four, including the use of depositions,
11 interrogatories, requests for production and subpoenas duces tecum. The Court
12 ORDERS that the parties will complete the discovery process pertaining to claim four by
13 November 18, 2005. Trial briefs and any pretrial motions will be filed by December 16,
14 2005.

15 The Evidentiary Hearing on Claim Four will be held on January 5 and 6, 2006.

16 IT IS SO ORDERED.

17 DONE this 25th day of July, 2005.

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20 Robert J. Bryan
21 United States District Judge
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